

# ORDINANCE NO. 02-10

## ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor</i> <i>(votes only in case of tie)</i>		
ROD DART <i>Councilmember</i>	X	
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
JENS P. NIELSON <i>Councilmember</i>	X	
KEIR A. SCUBES <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilman Nielson

I SECOND the foregoing motion: Councilman Davis

## ORDINANCE 02-10

### AN ORDINANCE CREATING A HEAVY INDUSTRIAL I-3 ZONE, MODIFYING THE MEDIUM INDUSTRIAL I-2 ZONE AND MAKING OTHER CHANGES IN TITLE 15

WHEREAS, Spanish Fork City has adopted a land use title in the municipal code, known as Title 15, which includes zoning and development chapters; and

WHEREAS, the Spanish Fork land use ordinance does not currently contain a heavy industrial zone; and

WHEREAS, there are certain industrial uses which are beneficial to the City and its residents which do not fit well into the medium industrial zone; and

WHEREAS, creating a heavy industrial zone would allow beneficial uses which do not fit

well into a medium industrial zone to locate and operate within the City; and

WHEREAS, creating a heavy industrial zone will cause some amendments to be made to the medium industrial zone; and

WHEREAS, other minor amendments are needed throughout Title 15 to maintain a high standard of development and protect property values; and

WHEREAS, the Planning Commission reviewed the issue and held a public hearing on Wednesday the 3<sup>rd</sup> day of February, 2010 where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 16<sup>th</sup> day of February, 2010 where public comment was received;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

**I.**

Spanish Fork City Municipal Code §15.1.04.020 is hereby amended by adding the following definitions:

**15.1.04.020. Definitions**

**Blade sweep:** The diameter of the wind turbine blades as determined by the blade rotation.

**Large wind energy system:** wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.

**Outdoor storage area:** an area that is designated on a Site Plan for the storage of raw materials, finished products, vehicles, trailers or other equipment used in connection with a business located on the same site.

**Outdoor display area:** an area that is designated on a Site Plan for the outdoor display of the following items that are available for retail sale or rent: new or used automobiles, trailers, boats, recreational vehicles, construction equipment, or other finished products.

**Tower height:** The height of a wind turbine measured from the grade level to the hub.

**II.**

Spanish Fork Municipal Code §15.3.16.080 C-2 Commercial Zone is hereby amended by deleting the words “or display” in subparagraph A and by adding, as a permitted use outdoor storage as follows:

**15.3.16.080. C-2 General Commercial.**

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage of merchandise:

22. Outdoor display area.

**III.**

Spanish Fork Municipal Code §15.3.16.090 S-C Shopping Center is hereby amended by deleting the words “or display” in subparagraph A and by adding, as a permitted use outdoor storage as follows:

**15.3.16.090. S-C Shopping Center.**

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage of merchandise:

15. Outdoor display area.

**IV.**

Spanish Fork Municipal Code §15.3.16.120 Light Industrial is amended by adding outdoor display areas as permitted uses and outdoor storage areas as uses subject to conditions as follows:

**15.3.16.120. Light Industrial.**

A. Permitted Uses:

24. Outdoor display areas.

B. Uses Subject to Conditions:

3. Outdoor storage areas (see §15.3.24.090(I))

**V.**

Spanish Fork Municipal Code §15.3.16.130 I-2 Medium Industrial is hereby amended by

adding outdoor display areas as permitted uses and outdoor storage areas as uses subject to conditions and by repealing, as uses subject to a conditional use permit, transfer facilities as follows:

**15.3.16.130. I-2 Medium Industrial.**

- A. Permitted Uses:
  - 20. Outdoor display areas.
- B. Uses Subject to Conditions:
  - 2. Outdoor storage areas (see §15.3.24.090(I))
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
  - 1~5 [no change]
  - “6. Transfer Facilities” is hereby repealed.

**VI.**

Spanish Fork Municipal Code §15.3.16.140 I-3 Heavy Industrial is hereby created as follows:

**15.3.16.140. I-3 Heavy Industrial.**

This district is intended to provide for employment related uses including heavy manufacturing, assembling, warehousing, and wholesale activities. Residential uses are not allowed.

- A. Permitted Uses:
  - 1. Manufacturing and assembly of finished products.
  - 2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.
  - 3. Lumber and building material yards.
  - 4. Contractor warehouse and storage yards.
  - 5. Trucking and warehousing.
  - 6. Research, development, and testing services.
  - 7. Municipal facilities required for local service.
  - 8. Offices incidental to an industrial use.
  - 9. Impound yard.
  - 10. Outdoor storage area.
  - 11. Manufacture of concrete products.
- B. Uses Subject to Conditions:
  - 1. Rock Crushers with Surface Mining Overlay approval. (see §15.4.20.040)
  - 2. Large Wind Energy Systems. (15.3.24.090 (H))
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
  - 1. Telecommunication towers taller than sixty (60) feet.
  - 2. Self-storage warehouses and/or recreational vehicle storage.
  - 3. Transfer facilities.

**VII.**

Spanish Fork Municipal Code §15.3.16.160 is hereby amended by adding “Uses Subject to Conditions” as subparagraph B and re-lettering existing subparagraphs B through H as subparagraphs C through I as follows:

**15.3.16.160. P-F Public Facilities.**

- A. [no change].
- B. Uses Subject to Conditions:
  - 1. Outdoor storage areas (see §15.3.24.090(I)).
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060).
  - 1 ~ 3 [no change]
- D. Accessory Buildings and Uses (see §15.3.24.090(A)).
- E. Development Standards.
  - 1 ~ 2 [no change]
- F. Site Plan/Design Review (see §15.4.08.010 et seq.)
- G. Landscaping, Buffering, Walls (see §15.4.16.130).
- H. Signs.
  - 1 [no change]
- I. Parking (see §15.4.16.120).

**VIII.**

Spanish Fork Municipal Code §15.3.24.090(H) is hereby amended by moving subparagraph A, definitions to the definitions section of Title 15, re-lettering subparagraph B to a, and clarifying what zone large wind energy systems can be located in, as follows:

**15.3.24.090. Supplementary Regulations.**

**H. Wind Turbines (WT)**

- A. Definitions are hereby moved to §15.1.04.020.
- a. Requirements:
  - 1~ 13 [no change]
  - 14. Zoning Districts: Large wind energy systems are permitted only in the I-3 heavy industrial zoning district.
  - 15 ~ 16 [no change].

**IX.**

Spanish Fork Municipal Code §15.3.24.090(I) Outdoor Storage Areas is hereby created as follows:

**15.3.24.090. Supplementary Regulations.**

**I. Outdoor Storage Areas.**

The following conditions must be met:

- 1. The storage area must be paved with asphalt or concrete or be covered with gravel. In situations where gravel is utilized, no less than four inches of ¾ inch crushed gravel or six inches

of 3/4 inch untreated base course shall be installed. Additional improvements may be required by the City Engineer in accordance with the findings of a site-specific geotechnical report. Where a paving material other than asphalt or concrete is utilized, a drive apron shall be installed at all points of vehicular access. The drive apron shall be twenty-six feet wide and no less than sixty (60) feet long.

2. The outdoor storage area must be screened from surrounding properties with a six-foot tall masonry wall. Where the outdoor storage area abuts a public street, a ten-foot wide landscaped planter shall be installed between the masonry wall and the sidewalk or right-of-way. Landscaping shall be installed and maintained in accordance to the requirements found in §15.4.16.130.

3. Lighting shall be provided in outdoor storage areas. A photometric lighting plan shall be submitted with the Site Plan application. The lighting plan shall demonstrate the capacity of the proposed lighting to uniformly illuminate the storage area without creating undue spillover onto surrounding properties.

4. Material kept in an outdoor storage area cannot be stacked or piled to a height that exceeds twelve feet.

X.

This Ordinance shall take effect 20 days after passage and publication.

DATED this 16<sup>th</sup> day of February, 2010.

  
G. WAYNE ANDERSEN, Mayor

Attest:

  
KIMBERLY ROBINSON, City Recorder

